



CTMP 46

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | M | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---|---------------------|
| 097487,610 | 01/15/00 | ICHINOSE | | |

020457

MM71/0725

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ARLINGTON VA 22209

CUEVAS, EXAMINER

PART UNIT

PAPER NUMBER

07/25/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | | |
|------------------------------|-----------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/487,610 | ICHINOSE ET AL. | |
| | Examiner | Art Unit | |
| | Pedro J. Cuevas | 2834 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Preliminary Amendment filed on 7/28/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 11-014268, filed on January 22, 1999.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show labels Psys, Qsys, Pw and Qw on Figure 6 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 to 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 recite the limitation "the detected composite current value (Iw)" in line 22 and 25 respectively. There is insufficient antecedent basis for this limitation in the claim.

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4. Claim 3 recite the limitations:
- "the active electric power (P_w)"
 - "the reactive electric power (Q_w)"

in lines 14 and 15. There is insufficient antecedent basis for this limitation in the claim.

With regards to claims 4 to 7, they are rejected to because they are dependent on rejected claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,316,096 to Syverson.

Syverson clearly teaches the construction of an electric power variation compensating device (10) in a compound system for wind power generation as shown in Figure 1. The system includes: a wind power generator (11), an electric power energy storage device (92), an electric power converting device (90), means for detecting currents (74 & 75) and means for detecting voltages (95). These signals are used as an electric power feedback in a control system (67) for the device.

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6. As to the language in claim 1 on lines 18 to 27 of page 19 and lines 1 to 6 of page 20, the applicant should note that this is merely "result" language which cannot be relied upon to define over the claimed invention, since Syverson discloses all of the claimed elements (steps) and their recited relationships. Moreover, the examiner will presume that the recited results are inherent in Syverson since all of the claimed elements (steps) and the relationships therebetween are met by Syverson. If the recited result(s) are not inherent in claim 1, then this would mean that the applicant has failed to recite one or more critical feature of the present invention (i.e., a problem under U.S.C. 112, 1st Paragraph).

7. With regards to claim 2, it includes all the limitations of claim 1 which Syverson teaches with the only exception being that the current detected is in the electric power system, not inputted into or outputted from the electric power converting device.

Also, the language in claim 2 on lines 21 to 27 of page 20 and lines 1 to 9 of page 21, the applicant should note that this is merely "result" language which cannot be relied upon to define over the claimed invention, since Syverson discloses all of the claimed elements (steps) and their recited relationships. Moreover, the examiner will presume that the recited results are inherent in U. S. Patent No. 4,316,096 to Syverson since all of the claimed elements (steps) and the relationships therebetween are met by Syverson. If the recited result(s) are not inherent in claim 1, then this would mean that the applicant has failed to recite one or more critical feature of the present invention (i.e., a problem under U.S.C. 112, 1st Paragraph).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 to 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,316,096 to Syverson in view of U.S. Patent No. 5,083,039 to Richardson et al.

Syverson discloses all the elements of claims 1 and 2 respectively. However it fails to disclose an electric power feedback in the control system. Richardson et al. teaches an electric power feedback (Torque Command Device - 46) in the control system for the purpose of sensing the stator currents, i_{s1} , i_{s2} and i_{s3} to calculate the torque signal, T_{fb} used to control the rotation of the system.

It would have been obvious to one skilled in the art at the time the invention was made to use the electric power feedback (Torque Command Device - 46) in the control system disclosed by Richardson et al. on the electric power variation compensating device (10) disclosed by Syverson for the purpose of sensing the stator currents, i_{s1} , i_{s2} and i_{s3} or any other system parameter, to calculate the torque signal, T_{fb} or any other desired signal used to control the rotation of the system.

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9. With regards to claim 4, as to the language on lines 25 to 27 of page 21 and lines 1 to 5 of page 22, the applicant should note that this is merely "result" language which cannot be relied upon to define over the claimed invention, since Syverson discloses all of the claimed elements (steps) and Richardson et al. the recited relationships. Moreover, the examiner will presume that the recited results are inherent in U.S. Patent No. 4,316,096 to Syverson in view of U.S. Patent No. 5,083,039 to Richardson et al. since all of the claimed elements (steps) and the relationships therebetween are met by both U. S. Patents. If the recited result(s) are not inherent in U.S. Patent No. 4,316,096 to Syverson in view of U.S. Patent No. 5,083,039 to Richardson et al., then this would mean that the applicant has failed to recite one or more critical feature of the present invention (i.e., a problem under U.S.C. 112, 1st Paragraph).

With regards to claims 5 and 7, Richardson et al. discloses a change-over switch (A, B) in the form of a selector circuit **100** as shown in Figure 5.

Allowable Subject Matter

10. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

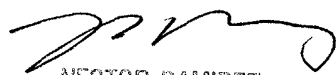
- US005225712A
- US004418287
- US004525633
- US004695736
- US004700081
- US004703189
- US005798632.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-T from 8:00 - 5:30; F from 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Néstor R. Ramírez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

pjc
July 13, 2001


NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800